

**REDACTED VERSION OF  
DOCUMENT SOUGHT TO BE  
SEALED**

## **Exhibit 1**

**From:** [Lazarus, Eli M.](#)  
**To:** [Ben Siegel](#)  
**Cc:** [byrd@whafh.com](#); [dejong@whafh.com](#); [robl@hbsslaw.com](#); [Richman, Cynthia](#); [Swanson, Daniel G.](#); [Srinivasan, Jay P.](#); [Phillips, Harry](#); [Dettmer, Ethan](#); [Craig, Dana Lynn](#); [Singer, Corey G.](#)  
**Subject:** RE: Apple App Store Antitrust  
**Date:** Friday, February 21, 2020 4:37:06 PM  
**Attachments:** [Apple App Store Antitrust Custodian Information.pdf](#)

---

All,

Regarding the subpoena we have drafted to serve on Google and the request this afternoon from Rob and Ben to have until next Friday to consider whether to jointly serve, we will wait until Wednesday, February 26 for Plaintiffs' decision, but will then serve the subpoena, jointly with Plaintiffs or for Apple alone.

Regarding the list of Apple employees who have received DRNs, our position is unchanged that that list reflects the thinking of Apple's lawyers in preparation for litigation and is protected by the work product doctrine. However, in response to Plaintiffs' requests for information regarding Apple's custodians, Apple provides the attached chart containing its custodians' names, job titles, employment dates, and reporting relationships (current manager and current direct reports). As previously discussed, Apple does not maintain organizational charts in the ordinary course of business, and the current reporting relationship information provided in the chart is the most analogous information available given that Apple does not have organizational charts.

Separately, Apple agrees to add Matt Fischer to its custodian list. We have included Fischer in the attached chart.

Eli

**Eli Lazarus**

**GIBSON DUNN**

Gibson, Dunn & Crutcher LLP  
555 Mission Street, San Francisco, CA 94105-0921  
Tel +1 415.393.8340 • Fax +1 415.374.8496  
[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com) • [www.gibsondunn.com](http://www.gibsondunn.com)

---

**From:** Lazarus, Eli M. <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)>  
**Sent:** Friday, February 21, 2020 1:26 PM  
**To:** Ben Siegel <[bens@hbsslaw.com](mailto:bens@hbsslaw.com)>  
**Cc:** [byrd@whafh.com](#); [dejong@whafh.com](#); [robl@hbsslaw.com](#); [Richman, Cynthia](#) <[CRichman@gibsondunn.com](mailto:CRichman@gibsondunn.com)>; [Swanson, Daniel G.](#) <[DSwanson@gibsondunn.com](mailto:DSwanson@gibsondunn.com)>; [Srinivasan, Jay P.](#) <[JSrinivasan@gibsondunn.com](mailto:JSrinivasan@gibsondunn.com)>; [Phillips, Harry](#) <[HPhillips2@gibsondunn.com](mailto:HPhillips2@gibsondunn.com)>  
**Subject:** Re: Apple App Store Antitrust

Thanks, Ben. I will call Rob at 2.

Sent from my iPhone

On Feb 21, 2020, at 12:29, Ben Siegel <[bens@hbsslaw.com](mailto:bens@hbsslaw.com)> wrote:

[External Email]

Eli, Rob and I just left you a VM. We would like to discuss after lunch. Can you call Rob at 2 pm (206-268-9304), and then he will conference me in?

Thanks, Ben

Ben Siegel | **Hagens Berman Sobol Shapiro LLP** | Direct: (510) 725-3036

---

**From:** Lazarus, Eli M. <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)>

**Sent:** Wednesday, February 19, 2020 4:12 PM

**To:** Byrd, Rachele <[Byrd@whafh.com](mailto:Byrd@whafh.com)>; Ben Siegel <[bens@hbsslaw.com](mailto:bens@hbsslaw.com)>; DeJong, Brittany <[dejong@whafh.com](mailto:dejong@whafh.com)>; Rob Lopez <[robl@hbsslaw.com](mailto:robl@hbsslaw.com)>

**Cc:** Richman, Cynthia <[CRichman@gibsondunn.com](mailto:CRichman@gibsondunn.com)>; Swanson, Daniel G. <[DSwanson@gibsondunn.com](mailto:DSwanson@gibsondunn.com)>; Srinivasan, Jay P. <[JSrinivasan@gibsondunn.com](mailto:JSrinivasan@gibsondunn.com)>; Phillips, Harry <[HPhillips2@gibsondunn.com](mailto:HPhillips2@gibsondunn.com)>

**Subject:** RE: Apple App Store Antitrust

Ben and Rachele, thanks for your emails. We understand you are considering this issue. Please let us know by COB on Friday whether your clients will be joining. If we don't hear from you by then, we will proceed to serve on behalf of Apple alone.

Eli

**Eli Lazarus**

**GIBSON DUNN**

Gibson, Dunn & Crutcher LLP  
555 Mission Street, San Francisco, CA 94105-0921  
Tel +1 415.393.8340 • Fax +1 415.374.8496  
[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com) • [www.gibsondunn.com](http://www.gibsondunn.com)

---

**From:** Byrd, Rachele <[Byrd@whafh.com](mailto:Byrd@whafh.com)>

**Sent:** Tuesday, February 18, 2020 3:44 PM

**To:** 'Ben Siegel' <[bens@hbsslaw.com](mailto:bens@hbsslaw.com)>; Lazarus, Eli M. <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)>; DeJong, Brittany <[dejong@whafh.com](mailto:dejong@whafh.com)>; Rob Lopez <[robl@hbsslaw.com](mailto:robl@hbsslaw.com)>

**Cc:** Richman, Cynthia <[CRichman@gibsondunn.com](mailto:CRichman@gibsondunn.com)>; Swanson, Daniel G. <[DSwanson@gibsondunn.com](mailto:DSwanson@gibsondunn.com)>; Srinivasan, Jay P. <[JSrinivasan@gibsondunn.com](mailto:JSrinivasan@gibsondunn.com)>; Phillips, Harry <[HPhillips2@gibsondunn.com](mailto:HPhillips2@gibsondunn.com)>

**Subject:** RE: Apple App Store Antitrust

[External Email]

Eli,

We are also considering this. In the meantime, we note that Terrell is no longer a named plaintiff.

Rachele

**Rachele R. Byrd**

[byrd@whafh.com](mailto:byrd@whafh.com)

Tel: 619-239-4599

Wolf Haldenstein Adler Freeman & Herz LLP

750 B Street, Suite 1820, San Diego, CA 92101

[www.whafh.com](http://www.whafh.com)

<mime-attachment.jpg>

---

**From:** Ben Siegel [<mailto:bens@hbsslaw.com>]

**Sent:** Tuesday, February 18, 2020 2:33 PM

**To:** Lazarus, Eli M.; Byrd, Rachele; DeJong, Brittany; Rob Lopez

**Cc:** Richman, Cynthia; Swanson, Daniel G.; Srinivasan, Jay P.; Phillips, Harry

**Subject:** RE: Apple App Store Antitrust

Eli, Thank you for your email. We are reviewing the proposed detailed third-party document subpoena to Alphabet Inc. To determine if it we would like to jointly serve subpoena and if so, whether we have proposed edits to the subpoena, etc., will of course take time. We will share our thoughts with you after our review.

Thanks, Ben

Ben Siegel | **Hagens Berman Sobol Shapiro LLP** | Direct: (510) 725-3036

---

**From:** Lazarus, Eli M. <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)>

**Sent:** Tuesday, February 18, 2020 1:13 AM

**To:** Byrd, Rachele <[Byrd@whafh.com](mailto:Byrd@whafh.com)>; DeJong, Brittany <[dejong@whafh.com](mailto:dejong@whafh.com)>; Rob Lopez <[robl@hbsslaw.com](mailto:robl@hbsslaw.com)>; Ben Siegel <[bens@hbsslaw.com](mailto:bens@hbsslaw.com)>

**Cc:** Richman, Cynthia <[CRichman@gibsondunn.com](mailto:CRichman@gibsondunn.com)>; Swanson, Daniel G.

<[DSwanson@gibsondunn.com](mailto:DSwanson@gibsondunn.com)>; Srinivasan, Jay P. <[JSrinivasan@gibsondunn.com](mailto:JSrinivasan@gibsondunn.com)>;

Phillips, Harry <[HPhillips2@gibsondunn.com](mailto:HPhillips2@gibsondunn.com)>

**Subject:** Apple App Store Antitrust

Rachele, Brittany, Rob, Ben:

Please be advised that we intend to serve the attached third-party document subpoena on Alphabet Inc., likely early this week. Please let us know if Plaintiffs would like to do so jointly.

Thanks,

Eli

Eli Lazarus

## GIBSON DUNN

Gibson, Dunn & Crutcher LLP  
555 Mission Street, San Francisco, CA 94105-0921  
Tel +1 415.393.8340 • Fax +1 415.374.8496  
[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com) • [www.gibsondunn.com](http://www.gibsondunn.com)

---

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.

---

PRIVILEGED & CONFIDENTIAL: This e-mail message (and any attachments) is for the exclusive use of the intended recipient(s) and likely contains confidential and privileged information. It is the property of the law firm Hagens Berman Sobol Shapiro LLP. Do not disseminate this email, its content, or any attachments without approval of Hagens Berman. If you are not the intended recipient, please do not read, distribute, or take any other action in reliance upon this message. If you have received this email in error, please notify the sender immediately by return e-mail and promptly delete this message and its attachments from your computer system. Be advised that no privileges are waived by the transmission of this message.

---

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.

---

Apple Custodian	Manager as of Jan. 31, 2020	Positions	Direct Reports as of Jan. 31, 2020
Dale Bagwell (AMP Discovery Fraud US)	Mike Thornberry	Data Manager 2 (06/21/2019) Engrg Project/Prgrm Mgr 2 (08/01/2014)	[REDACTED]
Mary Ann Brunson (OCOGS - App Reviewers)	Stoney Gamble	Marketing Mgr 1 (09/30/2017) SW QA Eng Supv (04/21/2012) Software Technician (09/24/2011) Software Technician 4 (03/11/2010) Software Technician 5 (10/24/2009) Genius Admin (06/23/2008) Inventory Specialist (04/11/2006) Mac Specialist (01/23/2006) Mac Specialist I (12/11/2005) Mac Specialist (10/15/2005) Mac Specialist I (01/21/2005)	[REDACTED]
Eddy Cue (Internet SW & Services)	Tim Cook	Senior Vice President (08/24/2011) Vice President (06/01/2000) IS&T Director (01/01/1998) Info Systems Manager III (11/29/1993) Info Systems Manager II (11/05/1991) MIS Project Leader B (11/05/1990) Info Tech Developer II (01/02/1990) Programmer/Analyst B (07/03/1989) Analyst Support B (01/03/1989)	[REDACTED]
Matt Fischer (US App Store)	Phil Schiller	Alliance/Partnership VP (09/17/2016) Alliance/Partner Sr Dir (12/03/2012) Alliance/Partnership Dir (01/28/2008) Alliance/Partner Mgr 3 (07/01/2007) Alliance/Partner Mgr 2 (12/01/2006) Alliance/Partner Mgr 1 (09/17/2005) Product Marketing Mgr Sr (08/18/2003) EE Hire/Rehire Project Manager (05/20/2003) TEMP	[REDACTED]
Smokey Fontaine (App Store: Editorial)	Matt Fischer	Alliance/Partnership Dir (03/27/2017) Manager 3 (01/19/2016)	[REDACTED]
Eric Friedman (FEAR_US)	Mike Abbott	SW Develop Mgr 4 (03/27/2016) SW Eng Apps Mgr 3 (09/21/2013) SW Eng Apps Mgr 2 (01/28/2013) Software Engineer Apps 5 (07/16/2012)	[REDACTED]
Eric Gray (AMP Subs Price App Commerce US)	Matt Railo	Producer Dir (05/07/2007) Marketing Mgr 3 (06/03/2006) Marketing Manager Sr II (10/10/2005)	[REDACTED]

Apple Custodian	Manager as of Jan. 31, 2020	Positions	Direct Reports as of Jan. 31, 2020
Adam Hammer (SEAR)	Viresh Ramdatmisier	Threat Intelligence Mgr 2 (06/21/2019) SW Develop Mgr 2 (09/29/2018) SW Develop Mgr 1 (02/22/2017) SW Develop Eng 4 (03/30/2015) SW Develop Eng 3 (10/21/2013)	[REDACTED]
C.K. (Christopher) Haun (DTS)	Ron Okamoto	Alliance/Partner Sr Dir (01/21/2006) Engineering Director Sr (11/01/2003) Engineering Director (03/02/1998) Employee Hire/Rehire (04/09/1996) Left Apple (10/27/1995) Engr/Scientist II Sr (04/01/1995) Developer Support Mgr II (01/15/1994) Developer Engr Support V (11/20/1992) Developer Engr Support IV (01/15/1992) Developer Engr Support III (01/15/1991) Developer Engr Support II (01/15/1990)	[REDACTED]
Trystan Kosmyinka (OCOGS - App Reviewers)	Ron Okamoto	Marketing Sr Dir (09/30/2017) Marketing Dir (09/19/2016) SW Develop Mgr 3 (07/01/2011)	[REDACTED]
Ron Okamoto (WWDR - Admin)	Phil Schiller	Alliance/Partnership VP (01/25/2006) Vice President (05/07/2001)	[REDACTED]
Carson Oliver (App Store: Business Management)	Matt Fischer	Alliance/Partnership Dir (06/25/2018) Alliance/Partner Mgr 3 (09/30/2017) Alliance/Partner Mgr 2 (09/17/2016) Alliance/Partner Mgr 1 (04/01/2015) Alliance/Partner Spec 4 (09/03/2013) MBA Intern (06/18/2012)	[REDACTED]

Apple Custodian	Manager as of Jan. 31, 2020	Positions	Direct Reports as of Jan. 31, 2020
Phil Schiller (Product Marketing Admin)	Tim Cook	Senior Vice President (02/01/2002) VP (03/03/1997) Employee Hire/Rehire Left Apple (10/01/1993) Product Marketing Mgr III (10/02/1992) Mgr. Mktg Products (09/20/1991) Spec. Mktg Segment Sr (10/02/1990) Mgr. Mkt Development (10/02/1989) Market Development Spec A (07/19/1988) Spec. Sales Dev. Sr (05/02/1988) Rep. Mktg. Support A (04/02/1988) Rep. Mktg. Support B (04/02/1987)	[REDACTED]
Philip Shoemaker (former EE)		Left Apple (04/20/2016) Marketing Sr Dir (09/20/2014) Marketing Dir (03/09/2009)	
Tanya Washburn (App Store: Operations)	Matt Fischer	Alliance/Partnership Dir (09/19/2015) SW Develop Mgr 4 (09/22/2013) Industry Marketing Mgr 3 (09/24/2011) Producer Mgr 3 (03/28/2011) Producer Mgr 2 (08/18/2008) Web Producer Mgr 1 (09/17/2005) Producer/Senior I (06/14/2004) Producer III (04/10/2000)	[REDACTED]